

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION

CLAYTON PERKINS, : Case No.: 1:10-cv-00810 (SJD)
Plaintiff, : Judge: Chief Judge Susan J. Dlott
v. :
SUN CHEMICAL CORPORATION, :
ROBERT RANEY, and SCOTT CHASE, : **JOINT DISCOVERY PLAN**
Defendants. :
:

Now come all parties to this case, by and through their respective counsel, and hereby jointly submit to the Court this Joint Discovery Plan, pursuant to the Court's Pretrial Procedure Outline (docket No. 14).

The parties conducted their discovery conference on March 17, 2011.

1. MAGISTRATE CONSENT

The Parties:

- unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636 (c).
- do not unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636 (c).
- unanimously give contingent consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636 (c), for trial purposes only, in the event that the District Judge assigned is unavailable on the date set for trial (e.g. because of other trial settings, civil or criminal).

2. RULE 26(A) DISCLOSURES

- There are no changes that need to be made in the timing, form, or requirement for disclosures under Rule 26(a). All disclosures required by Rule 26(a)(1) have been made by the parties hereto or will be made by the time of the scheduled Preliminary Pretrial Conference.
- The parties agree to delay the initial disclosure until _____. The purpose of delay is _____.

- to give the Court time to rule on the pending dispositive motion.
- _____.

3. DISCOVERY ISSUES AND DATES

A. Discovery will need to be conducted on the issues of Plaintiff's allegations of: (1) sexual harassment; (2) hostile work environment; (3) retaliation; (4) loss of wages; (5) loss of promotional opportunities; (6) civil assault (or battery, if Plaintiff's Motion to File First Amended Complaint is granted); (7) intentional infliction of emotional distress; (8) emotional damages; (9) economic damages; and (10) mitigation of damages; and Defendants' affirmative defenses.

B. Disclosure or discovery of electronically stored information should be handled as follows: Electronically stored information, to the extent it exists, will be exchanged by the agreement of Counsel.

C. The parties recommend that discovery

- need not be bifurcated
- should be bifurcated between liability and damages
- should be bifurcated between factual and expert
- should be limited in some fashion or focused upon particular issues which relate to _____

D. Disclosure and report of plaintiff expert(s) by Thursday, September 15, 2011.

E. Disclosure and report of defendant expert(s) by Monday, October 31, 2011.

F. Discovery cutoff: Friday, January 13, 2012.

G. Anticipated discovery problems

- _____
- None

4. LIMITATIONS ON DISCOVERY

A. Changes in the limitations on discovery

- Extension of time limitations (currently one day of seven hours) in taking of depositions to _____.
- Extension of number of depositions (currently 10) permitted to _____.

- Extension of number of interrogatories (currently 25) to _____.
- Other: _____.
- None

B. Protective Order

- A protective order will likely be submitted to the Court on or before ____.
- The parties anticipate the need for a Confidentiality Stipulation to protect from public disclosure any personal information, personnel files and proprietary information. The parties will negotiate said Stipulation and submit a Joint Proposed Confidentiality Order it to the Court in compliance with *Procter & Gamble Co. v. Bankers Trust Co.*, 78 F. 3d 219 (6th Cir. 1996).

5. **OTHER COURT ORDERS UNDER RULE 26(C) OR RULE 16(B) AND (C)**

- The plaintiff anticipates the need for the Court to set a deadline to allow for the amendment of the complaint to
 - add parties.
 - add additional claims.
 - add factual allegations to support original claim(s).
- Plaintiff has sought leave to file an Amended Complaint. Defendants do not consent to Plaintiff's request for leave to file the Amended Complaint.

Dated: April 1, 2011
New York, New York

CROSKEY LAW OFFICES

By /s Robert F. Croskery
Robert F. Croskery
Attorney for Plaintiff

PROSKAUER ROSE LLP

By /s Kathleen M. McKenna
Kathleen M. McKenna
Keisha-Ann G. Gray
Attorneys for Defendants

GRAYDON HEAD & RITCHIEY LLP

By /s Robin D. Ryan
Robin D. Ryan
Local Counsel for Defendants